

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO PAYMENT OF COSTS FOR PRISONERS HELD IN DETENTION CENTERS; CLARIFYING THE RESPONSIBILITY OF DETENTION CENTERS TO BILL FOR PRISONER COSTS IN A TIMELY MANNER; PROVIDING THAT AN AGENCY IS NOT RESPONSIBLE FOR COSTS SUBMITTED MORE THAN 90 DAYS AFTER THE LAST DAY OF THE STATE FISCAL YEAR; AMENDING SECTIONS 7-32-2222 AND 7-32-2242, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-32-2222, MCA, is amended to read:

"7-32-2222. Health and safety of prisoners. (1) Each detention center shall comply with state and local fire codes for correctional occupancy and with sanitation, safety, and health codes.

(2) Designated exits must permit prompt evacuation of inmates and detention center staff in an emergency.

(3) When there is good reason to believe that the inmates may be injured or endangered, the detention center administrator shall remove them to a safe and convenient place and confine them there as long as necessary to avoid the danger.

(4) (a) If a person is confined in a detention center by an arresting agency that is not responsible for the operation of the detention center and in the opinion of the detention center administrator an inmate under the administrator's jurisdiction the person requires medication, medical services, or hospitalization, the expense, subject to the provisions of subsection (4)(b)(i), must be borne:

(i) by the arresting agency when the arresting agency is not the county in which the inmate is confined, except as provided in 7-32-2245 or subsection (4)(b) (4)(a)(ii) or (4)(a)(iii) of this section;

(b)(ii) if by the county if a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence

for violating an ordinance of that city or town, ~~the expense must be paid by the county~~, except as provided in 7-32-2245-~~ff~~;

(iii) by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245, if the department of corrections is the arresting agency and the inmate is a probation violator; the expense must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

(b) (i) The county in which the detention facility is located shall pay any medication, medical or dental services, or hospitalization costs associated with an inmate's confinement. If an agency other than the county is responsible for costs under subsection (4)(a), the agency shall reimburse the county for the expenses subject to the provisions of subsection (4)(b)(ii).

(ii) A detention center shall submit to the agency responsible for payment of costs under subsection (4)(a) monthly requests for reimbursement of costs paid under subsection (4)(b)(i) along with the monthly billing for confinement costs required by 7-32-2242(3). All requests for reimbursement must be submitted to the responsible agency not later than 90 days following the last day of the state fiscal year in which the expense was incurred. A responsible agency is not responsible for payment of reimbursement requests received more than 90 days after the last day of the state fiscal year.

~~(e)(5)~~ The county attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization for the inmate involved in accordance with 7-32-2245."

Section 2. Section 7-32-2242, MCA, is amended to read:

"7-32-2242. Use of detention center -- payment of costs. (1) Local government, state, and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center.

(2) ~~(a)~~ If a person is confined in a detention center by an arresting agency that is not responsible for the operation of the detention center, the costs of holding the person in confinement must be paid;

(a) by the arresting agency at a rate that is agreed upon by the arresting agency and the detention center and that covers the reasonable costs of confinement, excluding capital construction costs, except as provided in 7-32-2245 or subsection ~~(2)(b)~~ (2)(b), (2)(c), or (2)(d) of this section;

(b) ~~if by the county~~ if a city or town commits a person to the detention center of the county in which the

city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, ~~the costs must be paid by the county~~, except as provided in 7-32-2245. If:

(c) by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245, if the department of corrections is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

~~—— (c) Payments must be made to the government unit responsible for the detention center or to the administrator operating a private detention center under an agreement provided for in 7-32-2201, upon presentation of a claim to the arresting agency.~~

~~—— (3) If a person, or~~

(d) by the out-of-state jurisdiction if the person detained is a fugitive from justice from an out-of-state jurisdiction, the. The costs, including medical expenses, to be paid by the out-of-state jurisdiction of holding the person in a detention center pending extradition must be paid by the out-of-state jurisdiction include medical and dental expenses.

(3) A detention center shall provide monthly bills for confinement costs to the agency responsible for payment of costs under subsection (2) along with the monthly requests for reimbursement of medical costs required by 7-32-2222(4)(b)(ii). All bills must be submitted to the responsible agency not later than 90 days following the last day of the state fiscal year in which the expense was incurred. A responsible agency is not responsible for payment of bills received more than 90 days after the last day of the state fiscal year."

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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